

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER RE CONTRIBUTORY AND
VICARIOUS COPYRIGHT
INFRINGEMENT**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup


THE PARTIES HEREBY STIPULATE AND AGREE that:

1. Instructions 32 and 33 in the April 26, 2012 draft charge to the jury [Dkt. No. 994], addressing contributory and vicarious copyright infringement, shall be deleted;
2. Question 4 on the April 26, 2012 draft verdict form [Dkt. No. 994-1], addressing contributory and vicarious copyright infringement, shall be deleted;
3. This stipulation shall not be used by either party as a basis for (a) challenging any jury verdict, (b) challenging any of the copyright damages or other recovery theories articulated in the expert reports of Drs. Cockburn, Kearl, Leonard and Cox, (c) contending that any expert's calculations should be adjusted, or (d) arguing in any way about the availability or scope of an injunction or other prospective relief;
4. This stipulation has no bearing on or relationship to the patent infringement claims in this case; and
5. This stipulation has no effect on any evidence that has been presented in the case and shall not be read to the jury.

~~PROPOSED~~ ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date: April 28, 2012.



Honorable William Alsup
Judge of the United States District Court

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2 Dated: April 28, 2012

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ATTESTATION

I, Robert A. Van Nest, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER RE CONTRIBUTORY AND VICARIOUS COPYRIGHT INFRINGEMENT. In compliance with General Order 45, X.B., I hereby attest that Michael Jacobs has concurred in this filing.

Date: April 28, 2012

/s/ Robert A. Van Nest
ROBERT A. VAN NEST